



Ifw

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Minoru YAMAMOTO et al.

Group Art Unit: 2854

Application No.: 10/509,245

Examiner: M. MARINI

Filed: June 8, 2005

Docket No.: 121277

For: SHEET PACKAGE AND PRINTER USING THE PACKAGE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 26, 2007 Restriction Requirement (Requirement), Applicants provisionally elects Group I, claims 1-6 and 8-10¹, with traverse.

In particular, a proper restriction requirement requires, among other things, "there would be a serious burden on the examiner if restriction is not required" (MPEP §803.01(I)). The Requirement alleges that there would be a serious burden on the Examiner due to the Groups' different classification. However, it is clear from at least the Examiner's search notes (copy attached) that the Examiner has already searched Class 400 in detail. Group II is classified in Class 400. Accordingly, Applicants respectfully submit that it cannot be a serious burden to examine Group II, with elected Group I. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious

¹ Claim 7 was previously cancelled in an Amendment filed on October 20, 2006.

burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

It is respectfully submitted that the policy of MPEP §803 should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office. Thus, withdrawal of the Requirement is respectfully requested.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/lbg

Date: February 23, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--